

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**OLLIE SMITH,**

**Plaintiff,**

**CIVIL ACTION NO. 08-CV-10896-AA**

**vs.**

**DISTRICT JUDGE JOHN CORBETT O'MEARA**

**TCHORZYNSKI,  
Corrections officer,**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendant.**

**OPINION AND ORDER GRANTING DEFENDANT'S MOTION FOR PROTECTIVE  
ORDER STAYING DISCOVERY**

This matter comes before the Court on Defendant's Motion and Amended Motion to Stay Discovery filed on June 17, 2008. (Docket nos. 12, 13). Defendant, a state corrections officer, seeks a stay of discovery until further order of the Court because he has filed a Motion for Summary Judgment which is now pending. (Docket no. 9). Plaintiff has responded and opposes the motion. (Docket no. 16). All pretrial matters have been referred to the undersigned for decision. (Docket no. 5). The Court dispenses with oral argument on this motion pursuant to E.D. Mich. LR 7.1(e). This matter is now ready for ruling.

Defendant raises the defense of qualified immunity as a state employee in his Motion for Summary Judgment. (Docket no. 9). The Sixth Circuit has made clear that when such a motion is filed discovery should not be allowed until after the immunity question is resolved. *Skousen v. Brighton High School*, 305 F.3d 520, 526-27 (6<sup>th</sup> Cir. 2002). In accordance with this authority, discovery will be stayed pending consideration of Defendant's summary judgment motion.

**IT IS THEREFORE ORDERED** that Defendant's Amended Motion for Protective Order Staying Discovery (docket no. 13) is **GRANTED**.

**NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 18, 2008

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Order was served upon Ollie Smith and Counsel of Record on this date.

Dated: August 18, 2008

s/ Lisa C. Bartlett  
Courtroom Deputy